

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MANSOOR LAKHDHIR, MIKE V. MACIAS,
JAGDISH D. MASSAND and MELINDA YUKI MCMILLAN

Application No. 10/046,999

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 7, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

Evidence of Record

On February 8, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received November 22, 2005. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the "Evidence Relied Upon" (section 8) six references were cited that were not previously cited in the rejection of the

claims; only the prior art actually relied upon should be cited. In accordance with MPEP § 1207.02, the "Evidence Relied Upon" (section 8) should include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) to vacate the Examiner's Answer mailed February 8, 2006;
- 2) to issue a revised Examine's Answer in compliance with MPEP § 1207.02; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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